

REMARKS

This is in response to the Office Action of January 28, 2009. Method claims 15 and 16 are cancelled, without prejudice, to reduce the issues herein. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in this application. Specifically, the Examiner kindly indicated that claims 9-14 were allowable. The present Amendment incorporates the feature of claim 9 into claim 1. Accordingly, claim 1 as amended herein has the scope of allowed claim 9. That is, claim 1 as amended herein is claim 9 rewritten in independent form. Claims 8 and 9 are accordingly cancelled, without prejudice. Claim 17 is also rewritten in independent form. Note that claim 17 is analogous to allowable claim 13. No new matter is added by this Amendment. Claims 1-7, 10-14, and 17 are now pending in the application.

Claims 1-8 were rejected under the first paragraph of 35 U.S.C. § 112 as exceeding the scope of the enabling disclosure. Office Action, pages 3-6. The Examiner kindly indicated that cellulose acetate and starch acetate embodiments of the invention are enabled. Claims 1-7 as amended herein recite those embodiments, thereby obviating this ground of rejection.

Claims 1-8 were rejected under the second paragraph of 35 U.S.C. § 112 as failing to define the invention properly. Office Action, page 6. The Examiner required identification of the polysaccharides contemplated in the claims. Claims 1-8 now identify the polysaccharides as cellulose acetate and starch acetate embodiments, thereby obviating this ground of rejection.

Claims 15-17 were rejected on the ground of obviousness-type double patenting over claims 1, 2, 13, 15, and 19 of US 6,780,903 B2 (Peltonen). Office Action, pages 7-9. This is a rejection of Applicants' method claims. Method claims 15 and 16 have been cancelled. Claim 17 as amended herein is not a method claim, and so is not subject to this ground of rejection. Accordingly, withdrawal of the double patenting rejection is now in order and is earnestly solicited.

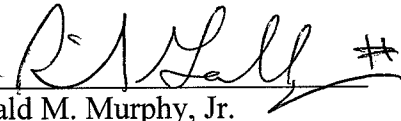
Contact information

All rejections being overcome by this Amendment, passage of the application to Issue is respectfully requested. If the Examiner has any questions concerning this application, the Examiner is invited to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 26, 2009

Respectfully submitted,

By  #28,781
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant